

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY	:
COMMISSION,	:
	: 07 Civ. 7760
Plaintiff,	:
	:
- against -	: <u>ANSWER</u>
	:
TOURO COLLEGE,	:
	:
Defendant.	:
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Defendant, Touro College ("Touro") by its attorneys, Snitow Kanfer Holtzer & Millus, LLP, as and for their answer to plaintiff's Complaint, allege as follows:

JURISDICTION AND VENUE

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "1" of the Complaint except aver that the paragraph sets forth the purported basis for jurisdiction.

2. Deny the allegation contained in Paragraph "2" except aver that complainant Irena Naco was employed in the Southern District of New York.

PARTIES

3. Admit the truth of the allegations contained in Paragraph "3" of the Complaint.

4. Admit the truth of the allegations contained in Paragraph "4" of the Complaint

5. Admit the truth of the allegations contained in Paragraph "5" of the Complaint.

STATEMENT OF CLAIMS

6. Admit the truth of the allegations contained in Paragraph “6” of the Complaint.

7. Deny the truth of the allegations contained in Paragraph “7” of the Complaint .

8. Deny the truth of the allegations contained in Paragraph “8” of the Complaint.

9. Deny the truth of the allegations contained in Paragraph “9” of the Complaint.

10. Deny the truth of the allegations contained in Paragraph “10” of the Complaint.

11. Deny the truth of the allegations contained in Paragraph “11” of the Complaint.

FIRST AFFIRMATIVE DEFENSE

12. The Complaint fails to state any claim against defendant upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

13. If Irena Naco sustained the damages as alleged in the Complaint, such damages were sustained solely through and by virtue of plaintiff’s own wrongful, unlawful, or culpable conduct, acts, or omissions.

THIRD AFFIRMATIVE DEFENSE

14. At all relevant times, the defendant acted within its authorized powers and discretion, pursuant to applicable law, and in a manner that was neither arbitrary or capricious, and the relief prayed for would constitute an improper intrusion into said

discretionary authority.

FOURTH AFFIRMATIVE DEFENSE

15. Touro College took all steps necessary and proper to investigate the allegations of sexual harassment pursuant to a anti-harassment policy in place at Touro at the time of the alleged discrimination.

WHEREFORE, defendant Touro College demand judgment as follows:

- (a) dismissing the Complaint in its entirety;
- (b) awarding defendant its reasonable attorney's fees, costs, and expenses, with interest thereon, for the defense of this action; and
- (c) awarding such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 30, 2007

SNITOW KANFER HOLTZER
& MILLUS, LLP

By: 

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